



General Assembly

February Session, 2012

Raised Bill No. 5382

LCO No. 1610

01610_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

***AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL
BOND AGENTS AND BAIL ENFORCEMENT AGENTS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 29-145 of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2012*):

4 Any person desiring to engage in the business of a professional
5 bondsman shall apply to the Commissioner of Emergency Services and
6 Public Protection for a license. Such application shall set forth under
7 oath the full name, age, residence, telephone number and occupation
8 of the applicant, whether the applicant intends to engage in the
9 business of a professional bondsman individually or in partnership or
10 association with another or others, and, if so, the identity of each. It
11 shall also set forth under oath a statement of the assets and liabilities of
12 the applicant, and whether the applicant has been charged with or
13 convicted of crime, and such other information, including fingerprints
14 and photographs, as said commissioner from time to time may require.
15 The commissioner shall require the applicant to submit proof that he
16 or she is at least twenty-one years of age and has received a high

17 school diploma or an equivalent academic education. The
18 commissioner shall require the applicant to submit to state and
19 national criminal history records checks. The criminal history records
20 checks required pursuant to this section shall be conducted in
21 accordance with section 29-17a. No person who has been convicted of
22 a felony shall be licensed to do business as a professional bondsman in
23 this state. No person engaged in law enforcement or vested with police
24 powers shall be licensed to do business as a professional bondsman.
25 No person who has not attained twenty-one years of age or has not
26 received a high school diploma or an equivalent academic education
27 shall be licensed to do business as a professional bondsman.

28 Sec. 2. Section 29-147 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2012*):

30 Each professional bondsman licensed under the provisions of this
31 chapter may apply for a renewal of his license upon renewal
32 application forms provided by the Commissioner of Emergency
33 Services and Public Protection and requiring the disclosure of such
34 information as said commissioner requires in determining whether or
35 not such professional bondsman's financial responsibility remains
36 unimpaired or whether for any other reason such bondsman's fitness
37 to continue in such business has been otherwise altered since the
38 issuance of any prior license. Said commissioner may suspend for a
39 definite term or revoke any license issued under the provisions of this
40 chapter if it appears to said commissioner that (1) such licensee has
41 been convicted of a felony in this state or elsewhere, [or] (2) such
42 licensee is engaged in any unlawful activity affecting his fitness to
43 continue in the business of professional bondsman, [or that his] (3) the
44 financial responsibility of such licensee has been substantially
45 impaired, or (4) such licensee is subject to a restraining or protective
46 order issued by a court in a case involving the use, attempted use or
47 threatened use of physical force against another person.

48 Sec. 3. Section 29-152f of the general statutes is repealed and the

49 following is substituted in lieu thereof (*Effective October 1, 2012*):

50 Any person desiring to engage in the business of a bail enforcement
51 agent shall apply to the Commissioner of Emergency Services and
52 Public Protection for a license therefor. Such application shall set forth
53 under oath the full name, age, date and place of birth, residence and
54 occupation of the applicant. It shall also set forth under oath a
55 statement of whether the applicant has been charged with or convicted
56 of crime, and such other information, including fingerprints and
57 photographs, as required by the commissioner. The commissioner
58 shall require the applicant to submit proof that he or she is at least
59 twenty-one years of age and has received a high school diploma or an
60 equivalent academic education. The commissioner shall require the
61 applicant to submit to state and national criminal history records
62 checks. The criminal history records checks required pursuant to this
63 section shall be conducted in accordance with section 29-17a. Within
64 five years prior to the date of application, the applicant shall have
65 successfully completed a course in the criminal justice system
66 consisting of not less than twenty hours of study approved by the
67 commissioner. No person who has been convicted of a felony or any
68 misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62,
69 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-181d shall be
70 licensed to do business as a bail enforcement agent in this state. No
71 person engaged in law enforcement or vested with police powers shall
72 be licensed to do business as a bail enforcement agent. No person who
73 has not attained twenty-one years of age or has not received a high
74 school diploma or an equivalent academic education shall be licensed
75 to do business as a bail enforcement agent.

76 Sec. 4. Section 29-152i of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2012*):

78 The Commissioner of Emergency Services and Public Protection
79 may suspend, revoke or refuse to renew the license of any bail
80 enforcement agent, provided notice shall have been given to the

81 licensee to appear before the commissioner to show cause why the
 82 license should not be suspended, revoked or refused renewal, upon a
 83 finding by the commissioner that: (1) The licensee has violated any of
 84 the terms or provisions of sections 29-152e to 29-152m, inclusive, as
 85 amended by this act, or section 38a-660a or any of the regulations
 86 adopted under section 29-152o; (2) the licensee has practiced fraud,
 87 deceit or misrepresentation; (3) the licensee has made a material
 88 misstatement in the application for issuance or renewal of such license;
 89 (4) the licensee has demonstrated incompetence or untrustworthiness
 90 in the conduct of the licensee's business; (5) the licensee is subject to a
 91 restraining or protective order issued by a court in a case involving the
 92 use, attempted use or threatened use of physical force against another
 93 person; (6) the licensee has been convicted of a felony, a misdemeanor
 94 specified in section 29-152f, as amended by this act, or other crime
 95 affecting the licensee's honesty, integrity or moral fitness; or [(6)] (7)
 96 the licensee is unsuitable. The suspension or revocation of, or the
 97 refusal to renew, any bail enforcement agent's license shall also
 98 constitute the revocation of the bail enforcement agent's firearms
 99 permit issued pursuant to section 29-152m, as amended by this act.
 100 Any bail enforcement agent who fails to surrender such license within
 101 five days of notification in writing of the suspension or revocation of,
 102 or refusal to renew, such license shall be guilty of a class C
 103 misdemeanor. Any party aggrieved by an order of the commissioner
 104 under this section may appeal therefrom in accordance with the
 105 provisions of section 4-183, except venue for such appeal shall be in the
 106 judicial district of Hartford.

107 Sec. 5. Section 29-152l of the general statutes is repealed and the
 108 following is substituted in lieu thereof (*Effective October 1, 2012*):

109 (a) No professional bondsman licensed under chapter 533, surety
 110 bail bond agent licensed under chapter 700f or bail enforcement agent
 111 licensed under sections 29-152f to 29-152i, inclusive, as amended by
 112 this act, shall wear, carry or display any uniform, badge, shield or
 113 other insignia or emblems that purport to indicate that such bondsman

114 or agent is an employee, officer or agent of the state or any political
115 subdivision of the state or of the federal government.

116 (b) No bail enforcement agent licensed under sections 29-152f to 29-
117 152i, inclusive, as amended by this act, shall wear, carry or display a
118 badge unless the Commissioner of Emergency Services and Public
119 Protection has approved such badge. If the commissioner suspends or
120 revokes, or refuses to renew, the license of a bail enforcement agent,
121 such agent shall surrender any badge approved by the commissioner
122 pursuant to this subsection when such agent surrenders such license
123 pursuant to section 29-152i, as amended by this act. Any violation of
124 this subsection shall be an infraction.

125 Sec. 6. Section 29-152m of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective October 1, 2012*):

127 (a) No professional bondsman licensed under chapter 533, surety
128 bail bond agent licensed under chapter 700f or bail enforcement agent
129 licensed under sections 29-152f to 29-152i, inclusive, as amended by
130 this act, shall carry a pistol, revolver or other firearm while engaging in
131 the business of a professional bondsman, surety bail bond agent or bail
132 enforcement agent, as the case may be, or while traveling to or from
133 such business unless such bondsman or agent obtains a special permit
134 from the Commissioner of Emergency Services and Public Protection
135 in accordance with the provisions of subsection (b) of this section. The
136 permit required under this section shall be in addition to the permit
137 requirement imposed under section 29-28 and shall not be issued until
138 the applicant has been issued a permit under section 29-28.

139 (b) The Commissioner of Emergency Services and Public Protection
140 may grant to any professional bondsman licensed under chapter 533,
141 surety bail bond agent licensed under chapter 700f or bail enforcement
142 agent licensed under sections 29-152f to 29-152i, inclusive, as amended
143 by this act, a permit to carry a pistol or revolver or other firearm while
144 engaging in the business of professional bondsman, surety bail bond
145 agent or bail enforcement agent, as the case may be, or while traveling

146 to or from such business, provided that such bondsman or agent has
147 proven to the satisfaction of the commissioner that such bondsman or
148 agent has successfully completed a course, approved by the
149 commissioner, of training in the safety and use of firearms. [The
150 commissioner shall adopt regulations in accordance with the
151 provisions of chapter 54 concerning the approval of schools,
152 institutions or organizations offering such courses, requirements for
153 instructors and the required number of hours and content of such
154 courses.]

155 (c) [Application] An application for a permit [issued] pursuant to
156 this section shall be made on forms provided by the commissioner and
157 shall be accompanied by a [sixty-two-dollar] fee of sixty-two dollars.
158 Such permit shall have an expiration date that coincides with that of
159 the state permit to carry a pistol or revolver issued pursuant to section
160 29-28.

161 (d) A permit issued pursuant to this section shall be renewable
162 every five years with a renewal fee of sixty-two dollars. Each holder of
163 a permit issued pursuant to this section shall successfully complete an
164 annual firearms safety refresher course approved by the commissioner
165 as a condition of such renewal. The commissioner shall send, by first
166 class mail, a notice of expiration of the bail enforcement agent firearms
167 permit issued pursuant to this section, together with a notice of
168 expiration of the permit to carry a pistol or revolver issued pursuant to
169 section 29-28, in one combined form. The commissioner shall send
170 such combined notice to the holder of the permits not later than ninety
171 days before the date of the expiration of both permits, and shall
172 enclose a form for renewal of the permits. A bail enforcement agent
173 firearms permit issued pursuant to this section shall be valid for a
174 period of ninety days after the expiration date, except this provision
175 shall not apply if the permit to carry a pistol or revolver has been
176 revoked or revocation is pending pursuant to section 29-32, in which
177 case the bail enforcement agent firearms permit shall also be revoked.

178 (e) The commissioner shall adopt regulations in accordance with the
 179 provisions of chapter 54 concerning the approval of schools,
 180 institutions or organizations offering firearms safety courses,
 181 requirements for instructors and the required number of hours and
 182 content of such courses.

183 Sec. 7. (NEW) (*Effective October 1, 2012*) (a) On and after October 1,
 184 2012, no person may be an instructor for a course in the criminal justice
 185 system for purposes of section 29-152f of the general statutes, as
 186 amended by this act, or a course in the safety and use of firearms, for
 187 purposes of subsection (b) of section 29-152m of the general statutes, as
 188 amended by this act, without the approval of the Commissioner of
 189 Emergency Services and Public Protection.

190 (b) (1) An application for approval as an instructor shall be
 191 submitted on a form prescribed by the commissioner. Such application
 192 shall be made under oath and contain the following: (A) The
 193 applicant's name, address and date and place of birth; (B) the
 194 applicant's employment for the five years prior to the date of
 195 application; (C) the applicant's education or training in the subject
 196 matter of the course required under section 29-152f of the general
 197 statutes, as amended by this act, or subsection (b) of section 29-152m of
 198 the general statutes, as amended by this act, as applicable; (D) any
 199 convictions for violations of the law; and (E) such other information as
 200 the commissioner may require by regulation adopted pursuant to this
 201 section for purposes of investigating the character, competency and
 202 integrity of the applicant.

203 (2) No person shall be approved as an instructor who (A) has been
 204 convicted of a felony or any misdemeanor pursuant to section 21a-279,
 205 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-
 206 176, 53a-178 or 53a-181d of the general statutes, (B) has been denied a
 207 license as a professional bondsman, surety bail bond agent or bail
 208 enforcement agent, or (C) has had such license suspended or revoked.

209 (3) If a course conducted by an instructor under section 29-152f of

210 the general statutes, as amended by this act, or subsection (b) of section
211 29-152m of the general statutes, as amended by this act, is approved by
212 the commissioner on or before October 1, 2012, the instructor of such
213 course shall have until April 1, 2013, to apply for approval as an
214 instructor in accordance with this subsection.

215 (c) Upon being satisfied, after investigation, that the applicant
216 satisfies the requirements of subsection (b) of this section and is a
217 suitable person to be approved as an instructor, the commissioner may
218 issue an approval to such applicant to do business in this state as an
219 approved instructor. The fee for such approval shall be fifty dollars.
220 The term of such approval shall not exceed two years from the date of
221 the initial approval. Any person approved as an instructor under this
222 section shall notify the commissioner of any change in such person's
223 address not later than two business days after such change. The
224 notification shall include the person's old address and new address.

225 (d) Each person approved as an instructor under this section may
226 apply for renewal of such approval on a form prescribed by the
227 commissioner that provides for the disclosure of such information as
228 the commissioner may require to determine whether such person's
229 suitability to continue as an instructor has changed since the issuance
230 of the prior approval. The fee for such renewal shall be fifty dollars.

231 (e) The commissioner may adopt regulations, in accordance with the
232 provisions of chapter 54 of the general statutes, to implement the
233 provisions of this section.

234 (f) Any person who violates any provision of subsection (a) of this
235 section shall be fined seventy-five dollars for each offense. Each
236 distinct violation of subsection (a) of this section shall be a separate
237 offense and, in the case of a continuing violation, each day thereof shall
238 be deemed a separate offense.

239 Sec. 8. (NEW) (*Effective October 1, 2012*) The Commissioner of
240 Emergency Services and Public Protection may suspend, revoke or

241 refuse to renew the approval of any instructor issued pursuant to
 242 section 7 of this act, provided the commissioner has given notice to the
 243 instructor to appear before the commissioner to show cause why the
 244 approval should not be suspended, revoked or refused renewal, upon
 245 a finding by the commissioner that the instructor: (1) Has violated any
 246 of the terms or provisions of section 7 of this act; (2) has practiced
 247 fraud, deceit or misrepresentation; (3) has made a material
 248 misstatement in the application for issuance or renewal of such
 249 approval; (4) has demonstrated incompetence or untrustworthiness in
 250 the conduct of the instructor's courses; (5) has been convicted of a
 251 felony, a misdemeanor specified in subdivision (2) of subsection (b) of
 252 section 7 of this act or any crime affecting the instructor's honesty,
 253 integrity or moral fitness; or (6) is otherwise unsuitable. Any party
 254 aggrieved by an order of the commissioner under this section may
 255 appeal therefrom in accordance with the provisions of section 4-183 of
 256 the general statutes, except venue for such appeal shall be in the
 257 judicial district of Hartford.

258 Sec. 9. Section 29-152n of the general statutes is repealed and the
 259 following is substituted in lieu thereof (*Effective October 1, 2012*):

260 Any person who violates any provision of sections 29-152e to
 261 29-152m, inclusive, as amended by this act, for which no penalty is
 262 otherwise provided, shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	29-145
Sec. 2	<i>October 1, 2012</i>	29-147
Sec. 3	<i>October 1, 2012</i>	29-152f
Sec. 4	<i>October 1, 2012</i>	29-152i
Sec. 5	<i>October 1, 2012</i>	29-152l
Sec. 6	<i>October 1, 2012</i>	29-152m
Sec. 7	<i>October 1, 2012</i>	New section
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	29-152n

Statement of Purpose:

To establish age and education requirements for professional bondsmen and bail enforcement agents and provide for the revocation of their licenses if a restraining or protective order has been issued against them, require any badges worn by bail enforcement agents to be approved, require annual firearms refresher training for holders of a special firearms permit and require approval of instructors offering criminal justice and firearms courses to applicants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]